

THE DAILY PRESS
Published daily, (Sundays excepted), by
C. F. HALL,
At No. 14 West Fourth Street,
Cincinnati, Ohio.
Delivered to subscribers in CINCINNATI, COV-
INGTON and NEWPORT, and its surrounding cities,
villages, towns and country, at
SIX CENTS A WEEK,
payable to the carrier.

PRICE OF MAILING.
Single Copies, 2 cts.; One Month, 40 cts.; Three
Months, \$1.00; One Year, \$1.00.

AMUSEMENTS.

NEW NATIONAL THEATER

Lewis Baker, Solo Tenor; D. A. Baxendale, Stage
Manager; W. C. Thompson, Treasurer.
Sixth night of the engagement of the distinguished
European Artistes,
MISS VANDENHOFF
and
MR. SWINBOURNE.

SATURDAY EVENING, March 19th, will be acted,
for the second time, the new and original play, in five
acts, called

WOMAN'S HEART.

Isolina, (a blind girl), Miss Vandenhoff; Angelo, (a
sinner and savior), Mr. Swinbourne; The Prince,
Mr. Mortimer; Margie, Mrs. Naylor; Count
Columbo, Mr. Hamilton; Justice Greasy, Mr. W. C. Thompson;
Isolina's Father, Mr. Hamilton; The Lady
Lily, Miss Lily Vernon.

PAS DE DEUX, by Emily and Fanny Rayland.

To conclude with MacIntyre's admired play, com-
posed into 3 acts, called

A NEW WAY TO PAY OLD DEBTS.

Sir Giles Overreach, Mr. Swinbourne; Willoughby,
Mr. Naylor; Allworth, Mr. Mortimer; Lord Lovell,
Mr. Hamilton; Justice Greasy, Mr. W. C. Thompson;
Mr. Lefingwell, Margaret Overreach, Miss Lily Ver-
non.

Wood's Theater

CORNER SIXTH & VINE STS., CINCINNATI.

Manager, GEORGE WOOD.
Stage Manager, J. E. BELT.
Treasurer, J. E. BELT.

NOTICE—TIME CHANGED.
Theatricals open at 8 o'clock; Performance commences
at 7:30 o'clock.

FRAMES OF ADMISSIONS.
Dress Circle and Parquet, 50 cents; Family Circle,
25 cents.

GREAT BILL FOR SATURDAY NIGHT.

Sixth night of the engagement of the distinguished
Tragedians,
MR. & MRS. WALLER.

SATURDAY EVENING, March 19th, will be presented
the tragedy of
MACBETH, KING OF SCOTLAND,
With all of Lock's immortal music.

Lady Macbeth, Mrs. Waller.
Macbeth, Mr. Waller.
Duncan, Mr. Waller.
Malcolm, Mr. Waller.
Macduff, Mr. Waller.
Seyton, Mr. Waller.
First Witch, Mrs. Waller.
Second Witch, Mrs. Waller.
Third Witch, Mrs. Waller.
First Singing Witch, Mrs. Waller.
Second Singing Witch, Mrs. Waller.
OVERTURE, Mrs. Waller.
To conclude with the first time in this city,
the new and thrillingly exciting play of
DOBSON & CO.

Mr. Dobson, Mr. Waller.
Mrs. Dobson, Mrs. Waller.
Mr. Waller, Mr. Waller.
Mrs. Waller, Mrs. Waller.

PIKE'S Opera House.

CHAS. M. BARRAS, Manager.

Fifth Grand Opera Night of STRAKOSCH'S CELEBRATED ITALIAN OPERA.

This (Saturday) Evening, March 19,

Will be produced, for the last time, Verdi's celebra-
ted Opera

IL TROVATORE.

Leonora, Mlle. Teresa Parodi.
Anzani, Mlle. Teresa Parodi.
Manrico, Mlle. Teresa Parodi.
Count di Luna, Mlle. Teresa Parodi.
Fernando, Mlle. Teresa Parodi.
Conductor, MAURICE STRAKOSCH.

MONDAY, March 21, Bellini's highly popular
Opera,

La Sonnambula.

Mme. Colson as Anna; BRIGNOLI as Elvino;
AMADIO as Count Rudolph.

The Box Office for securing seats will be open daily
from 9 o'clock A. M. to 4 o'clock P. M., when seats
can be secured for any Opera three days in advance.

Prices of admission—Parquet Circle, Parquet
and Balcony, (Reserved Seats), \$1.50; Tickets to the
above with the privilege of occupying seats in the
Parquet or Private Boxes, for parties of eight or less,
\$10.00; Upper Private Boxes, for six or less, \$6.00;
\$2.00; Upper Private Boxes, for six or less, \$2.00;
\$1.00; Upper Private Boxes, for six or less, \$1.00;
The Properties by JOHN F. HERBERT, Treasurer.

PIKE'S OPERA HOUSE.

MAMMOTH CONCERT.

Unprecedented Combination of Talent
ON THE SAME EVENING.

AT THE SOLICITATION OF A LARGE
number of principal families desiring of hearing
the M. Strakosch's celebrated Company in a Con-
cert, the management has the honor to announce
that arrangements have been concluded for a

GRAND CONCERT,

Which will take place on
Wednesday Evening, March 23.

On which occasion ALL THE PRINCIPAL ART-
ISTS of M. Strakosch's Italian Opera Company, in-
cluding the powerful Chorus and the grand Orchestra,
will appear.

The Program for this occasion will be the most
exquisite ever offered in a Concert. It will contain
selections of Sacred and Miscellaneous Music, Gems
from Grand and Popular Operas; also, English songs
and Ballads.

Prices of admission for that evening's Concert will
be \$1.00, including choice of Seats, Gallery 50
cents.

Seats for the Mammoth Concert will be secured,
commencing on Monday.

N. B.—No curtain will be raised.

Y. M. M. L. ASSOCIATION.

LECTURE

—BY—
REV. C. B. PARSONS,
OF LOUISVILLE.

SUBJECT—"THE AMERICAN UNION: ITS DI-
VINE ORIGIN AND DEVELOPMENT, AS FOR-
Eshadowed IN PROPHECY."

Thursday Evening, March 24,
Smith and Nixon's Hall.

Admission, 25 cents. Doors open at 7 o'clock;
Lecture to commence at 8 o'clock.

—J. L. TALBOT, Sec. Socy.

"Know Thyself."

LECTURE ON PHRENOLOGY,

SHOWING ITS UTILITY IN THE IN-
tellectual, Moral and Physical Development of
Man, given by Prof. L. N. FOWLER, of the firm
of Fowler & Wells, New York.

SMITH & NIXON'S HALL, CINCINNATI,
commencing March 24th, and continuing six suc-
cessive evenings.

The application of Phrenology to the
Physical, Intellectual and Moral Development of
Man.

Tickets for the Course for sale at the Book Store,
only \$1.00. For single Lectures 25 cents.

Doors open at 6 o'clock; Lectures commence at
7 o'clock, and will be held in the evening of ladies
and gentlemen selected from and by the audience.

FEEDING CATS—A minus article—very

much to be desired by ROBT. CARLISLE.

—J. L. TALBOT, Sec. Socy.

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The Daily Press.

Vol. 1. No. 23.

CINCINNATI, SATURDAY MORNING, MARCH 19, 1859.

Price One Cent.

Ericsson's New Caloric Engine, by

which this paper is printed, proves a success.
It runs Hoe's lightning double cylinder press,
throwing off three thousand impressions per
hour, at an expense, for fuel, of one cent and
a half only. Our press and engine room is
open to the public at ten o'clock P. M. Ladies
and gentlemen, welcome!

Clothing Intelligence.

SPRAGUE'S

Compliments to all. Will be home for three months.

No. 10 East Fourth Street.

MARCH 19, 1859. (367)

Sprague & Co., Hunting Shirts,

10 East Fourth Street.

Sprague & Co. Clothing for small boys

10 East Fourth Street.

Departure of Trains.

CINCINNATI, HAMILTON & DAYTON—6:00 A. M.; 8:40
A. M.; 1:30 P. M.; 3:40 P. M.; Hamilton Accommo-
dation.

CINCINNATI & ST. LOUIS—9:00 A. M.; 4:15 P. M.; 10:50
P. M. Louisville Express.

INDIANAPOLIS & CINCINNATI—6:00 A. M.; 4:15 P. M.; 10:50
P. M. Chicago and Terre Haute Night Express.

LETTER MAIL—9:00 A. M.; 4:15 P. M.; 11:30 P. M.

CINCINNATI, MARIETTA & PARKERSBURG—From East
Front Street Depot—6:00 A. M.; 2:30 P. M.

CINCINNATI, WASHINGTON & ZANESVILLE—From East
Front Street Depot—9:00 A. M.; 4:15 P. M.

CINCINNATI, RICHMOND & INDIANAPOLIS—6:00 A. M.;
4:30 P. M.

AKRON, COLUMBUS & LOANSBORO—From Cincinnati,
Hamilton & Dayton Depot—6:00 A. M.

LOCAL NEWS.

SATURDAY, MARCH 19

CARRIERS, NEWS-BOYS AND AGENTS sup-
plied with "Daily Press" at 60 cents per hun-
dred.

CASH INvariably IN ADVANCE.

No papers sent from or leave the office till
paid for. Advertisements to be paid at time
of ordering.

ADAMS EXPRESS will please accept our thanks
for New York and other papers.

BOY RUN OVER.—A little fellow named
Henry Batch, was run over yesterday, on the
corner of Fifth and Culvert streets, and thus
had one ankle and three ribs broken, besides
some other injuries. His wounds are quite
painful, although not dangerous.

PATRICK CAMBURY, who was charged with
stabbing Hugh Murphy, on Sunday last, with
intent to kill, was yesterday discharged from
custody, by Judge Prudden—the evidence being
insufficient to justify the Court in holding him
over for trial.

PHRENOLOGY FOR PARENTS, TEACHERS AND
CHILDREN.—Prof. Fowler will give our citi-
zens, who can not well attend his evening lec-
tures, an afternoon entertainment, at three P.
M., in Smith & Nixon's Hall. A rich treat
may be expected for the young folk.

PERSONAL.—Hon. Marcus J. Parrott, mem-
ber of Congress from Kansas, is in the city, at
the Burnet House. Mr. Parrott was formerly
a citizen of Dayton, and a member of the Ohio
Legislature. He is a gentleman of marked
ability, and great popularity in the Territory
which he represents.

CASE OF WYPLICH.—The Coroner's Jury, in
the case of Abram Wyplich, alias Timans, ad-
journed yesterday, until Monday morning,
when it will again convene for the purpose of
hearing the report of Dr. Henry E. Foote, who,
in the meantime, will analyze the stomach and
heart of the deceased.

FALL FROM A HOUSE.—A man named Still-
well, who is employed at a machine shop on
Lawrence street, near the Newport Ferry Land-
ing, fell from the roof of an out-house, a dis-
tance of eighteen or twenty feet, to the ground,
and broke both legs and injured his head quite
badly. He was carried to his home in the Ser-
venteenth Ward in a very critical condition.

PROCEEDINGS OF THE COUNTY COMMISSIONERS.

The County Commissioners passed an order at
their session yesterday for \$72 for clothing for
Lick Run Lunatic Asylum, and discharged from
jail Joseph Bell, Daniel Clark, Robert McFall
and James Gallagher, they having no means
whereby to pay the fines and costs charged
against them.

HACKS AT THE OPERA HOUSE.—The manner
in which the drivers of cabs station their ve-
hicles on Fourth street, at time of the close of
the Opera—some horses' heads up street, some
down street, and others directly across the
street—is one of the most intolerable bores of
which even that class is guilty. Can they not
all head one way? Let them, for the sake of
their patrons, try it, at least, once.

FRENCH WIT.—In a late number of La Char-
ivari, we noticed an illustration which repre-
sented the stockholders of the Atlantic Tele-
graph Company in the act of taking their cele-
brated cable to an Asylum for the Deaf and
Dumb. De Santy was in the foreground of
the picture, with a galvanic battery under each
arm, while he exclaimed, with as deep a grief
as that of Othello, "De Santy's occupation's
gone."

MECHANICS AND MANUFACTURERS' EXCHANGE.

This has at last become an organization; a con-
stitution and by-laws have been adopted, and
the following officers elected, viz:

President—Robert Mitchell, of Mitchell &
Hammelsberg, furniture manufacturers.

Vice Presidents—1st, Charles F. Wiltach, of
Moore, Wiltach, Keys & Co.; 2d, George W.
Runyan, of Runyan & Stickney, builders; 3d,
Benj. Bruce, of I. & B. Bruce, carriage manuf-
acturers; 4th, Thomas W. Farrin, lumber mer-
chant.

Secretary—John B. Heish, draftsman.

Treasurer—A. B. Latta, steam fire-engine
builder.

A resolution was passed postponing the elec-
tion of the Committees of Appeal and Arbitra-
tion until Tuesday evening next, at which
time the association will hold its next meeting.

LAW REPORT.

SUPERIOR COURT.

INTERESTING TO MORTGAGEES.—Abraham O.
Brannin, assignee of A. O. Smith, vs. Chas. J.
Smith, N. D. Smith and others. Judge Spencer
delivered the opinion in this case.

The plaintiff filed his petition to establish
his title under a deed of assignment, for the
benefit of creditors, as against mortgagees
claiming title under a mortgage alleged to have
been improperly executed; or, if it should be
found to have been properly executed, then to
enforce the mortgage for the benefit of all the
creditors, as an assignment in trust, made by a
debtor in contemplation of insolvency to prefer
creditors.

The mortgage was executed on the 12th day
of January, 1858; the deed of assignment to the
plaintiff was executed 13th January, 1858.

Both were executed in Louisville, Ky., where
the parties all resided at the time, and em-
braced the same real estate, situate in the city
of Cincinnati.

The mortgage was not sealed by the grantor,
nor was it acknowledged by him according to
the laws of Ohio. Nor was it proved before
any officer, authorized by the laws of Ken-
tucky, to take such proof. It was proved by
subscribing witnesses appearing before a Com-
missioner of Deeds, &c., appointed under the
laws of Ohio. The plaintiff was himself a
subscribing witness to the mortgage, and had
actual notice of its contents before receiving
the assignment to himself.

By the terms of the mortgage, the premises
therein described were conveyed to N. D. Smith,
N. D. Smith, Jacob Smith and C. O. Smith.
"To them and each of them," "to secure said
persons individually and as firms, in their
liabilities" for A. O. Smith. The liabilities
referred to were indorsements made by the
defendants, upon which some one of the parties
alone, or some two or three of the parties jointly,
were liable, but upon none of which were all
liable, either jointly or severally.

Held—1. That the mortgage did not hold
in severality as to the debts for which they
were severally bound, and jointly for the debts
for which they were jointly bound, and to the
extent to which they were so severally and
jointly bound, but each had and interest in
the property until the liabilities of all were
paid—and all had an interest until the liabil-
ities of each were paid. They were, therefore,
trustees interchangeably for each other; and
the instrument falls within the provisions of
the statute of 1838, as a conveyance in trust,
by an insolvent contemplation of insolvency,
with a design to prefer a portion of his credi-
tors to the exclusion of the rest; and even if it
were well executed, it would be held to operate
for the benefit of all alike.

2. By the law of Ohio a mortgage takes ef-
fect only from the time it is delivered from rec-
ord; whether as against a subsequent mortgage,
judgment, mechanic's lien or voluntary con-
veyance in trust for creditors, and without any
regard to the question of notice on the part of
such subsequent incumbrancers.

3. To enforce the mortgage, the plaintiff had
under the fifth section of the act for the proof
of deeds, it must be wholly executed and ac-
knowledgeed, or proved, either in conformity with
the law of this State, or the laws of the State
where executed. It is not sufficient that it be
executed only in accordance with the laws of
the one State, and acknowledged or proven ac-
cording to the laws of the other.

4. By the statute of Ohio authorizing the
appointment of Commissioners to take the ac-
knowledgeed and proof of deeds, &c., to be
used or recorded in this State, it is requisite
that such Commissioners should act wholly in
accordance with the laws of Ohio, in the taking
of such acknowledgment or proof. It is not
sufficient for him to act in conformity with the
laws of the State or county to which he is com-
missioned.

5. The mortgage under consideration not
being executed in conformity to the laws of
Ohio, nor proven according to the laws of Ken-
tucky, was improperly admitted to record in
Ohio, and is not operative as against the plain-
tiff. The plaintiff is therefore entitled to the
relief prayed for in his petition.

S. J. THOMPSON, for Plaintiff.

RUFUS KING, for Defendant.

COMMON PLEAS.

FIFTH DAY OF THE BECKLEY TRIAL.—The
evidence for the defense in the case of Beckley,
on trial for the murder of the Italian, pro-
ceeded yesterday at the opening of the crimi-
nal branch of this Court.

William Read examined—Was in company
with the Italian on the night of the murder;
they met Beckley; did not notice him then
anything unusual about his appearance.

To the State—He did not appear to me to be
drunk; I never saw a pistol with him.

Almer Williams examined—Is a private
watchman on Pearl street; heard the report of
a pistol on the night in question; saw a man
going up west side of Vine street from three
to five minutes before he heard the report; and
a few minutes after it, saw a man pass down;
heard talking then in different directions; saw
the deceased lying on Vine street after being
shot; Beckley and another man coming up;
asked Beckley if he knew anything about the
matter; he replied he had been with the Italian
all the night, and when he was shot, but did
not know who shot him. Beckley acted like a
drunken man. The Italian had a knife belted
to his side.

William Beckley (the father of the prisoner)
testified that his son had a pistol, in general
appearance the same as that produced on the
trial; that it was taken from him on a pre-
vious occasion by the officers, and returned to
him; and that he (the witness) then took it
into the back yard, and in the presence of his
daughter Sarah, broke it to pieces; witness
heard the conversation in the Store-house on
the night of his son's arrest; he (the witness) told
him to hush up, and the reply was, "I can not,
for they say I have done some thing for which
I'll have to die." The prisoner and deceased
were on friendly terms. The Italian had a
large knife about his person when witness saw
him dead.

Sarah Beckley corroborated the statement as
to the pistol.

Jesse Beckley (the uncle of the prisoner) also
visited the Store-house on the night of the
murder, but did not hear the conversation that
took place with the prisoner.

Mr. Gaines cross-examined witness closely
as to whether he had given any money, prom-
ise of money, or any other consideration to any
party to absent themselves from this trial—all
of which he denied in every form in which the
question was put.

Wm. Berry testified that as he was going
home from the theater, on the night in ques-
tion, on passing an alley, between Pearl and
Columbia, he saw a man running out of the
alley.

Geo. Hughes testified that while standing on
Vine street, below Columbia, he saw the flash
of a pistol, heard the report, and saw a man
running across the street into an alley.

The State then proceeded to call rebutting
evidence.

T. A. Logan examined—Had seen a lease
from Jesse Beckley to Anna Waggoner.

Anna Waggoner testified to having received
a paper, but was not able to read it, and burnt
it up.

One witness has yet to be examined.
The argument will occupy this day.

PROBATE COURT.

DISCHARGE OF MRS. BURKS.—At a called
Court, Julia Burns, who has been some days
in custody, charged with complicity in the
Race-track murder, was discharged, on motion
of G. P. O'Donnell, on signing a recognizance
to appear on Monday.

CITY COUNCIL.

(MEETING AFTER THE "SHEAR" SINCE WEDNESDAY
NIGHT.)

A discussion as to the legality of the present meet-
ing occupied the Council a considerable time, and
was finally settled in the affirmative by "excusing"
the absent members, as though they had requested to
be permitted to retire.

On motion of Mr. Davis, of the Second Ward, a re-
port from the "Chief Engineer of the Fire Department,"
and a memorial from the inhabitants of the square
bounded by Western Row, Pike street, Third street
and the river, were received; on which three
resolutions were proposed and adopted:

1. That the portion of the city above described has
not a sufficient supply of water.

2. That the Committee on Sewerage and Drainage
report to Council on the propriety of placing a sewer
in Columbia or Second street.

3. That copies of the above communications and
resolutions be forwarded to the Trustees of Water
Works.

A memorial from the Fourth Ward led to the adop-
tion of a resolution requesting the City Solicitor to
report by what authority F. South and others have
been using and obstructing the sewer in the
vicinity of the river, and a proposition of compromise
between the city and the Little Miami Railroad Com-
pany, in relation to the use of the sewer, was also
presented.

Then followed a resolution appointing a committee
of three, with the City Solicitor as one of the mem-
bers, to report on the regulation of the measure-
ment of fire-wood, the appointment of Wood-meas-
urers, and the branding of all fire-wood used in
hauling fire-wood into the city.

A report from the Fire Department Committee was
adopted—recommending the Council to enter into an
agreement with Messrs. A. B. & E. Latta for two
years, at a sum of \$2,000 each.

Several communications and memorials were pre-
sented, and the City Solicitor's report of suits by
and against the city, and a proposition of compromise
between the city and the Little Miami Railroad Com-
pany, in relation to the use of the sewer, was also
presented.

The Council, moreover, passed three street ordi-
nances, for grading and improving, an ordinance
for the erection of a city near the Hamilton and
Dayton Railroad in the lower part of the city.

PIKE'S OPERA HOUSE.—Departing Winter
yesterday looked back and scowled upon the
coming Spring. At noon, through many
clouds, she smiled; but they, condensed, soon
after fell in tiny drops, which then the breath
of Winter froze, and gelled snow-flakes fell
upon the shivering Earth until the Night, re-
treating from the coming Morn, the scepter
gave to Day; and yet all this did not prevent
the attendance of a large and fashionable au-
dience at the above-named Musical Temple, to
witness the performance of *Travolta*.

Parodi has always, as a singer, been a favor-
ite with us—now, she is such as an actress.
Her rendition of the self-sacrificing "Leonora"
was excellent throughout, while in the last act,
her joy at being permitted to bear to her lover
the tidings of his freedom, her entreaties and
implorations, as she urged him to fly; her
faintness in consequence of the poison she had
taken, and, finally, her death, were each, in
their way, positively great.

"As 'Amos' Madame Strakosch surprised
even her most enthusiastic admirers. We knew
her as a pleasing contralto, but we were not
prepared for such force and energy as she ex-
hibited last night.

Brignoli as "Manrico" sang sweetly, as also
did Amos as the "Count di Luna;" while
both won fresh laurels, and made deeper im-
pressions upon the minds of their many ad-
mirers.

The anvil chorus, we are sorry to say, was
not so effective as